

SUBTITLE B

TITLE 14: COMMERCE
SUBTITLE B: CONSUMER PROTECTION
CHAPTER II: ATTORNEY GENERAL

PART 465
PRICE GOUGING

Section

465.10	General
465.20	Definitions
465.30	Petroleum Products

AUTHORITY: Implementing Section 2 and authorized by Section 4 of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2 and 4].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 14066, effective September 2, 2005, for a maximum of 150 days; adopted at 30 Ill. Reg. _____, effective January 30, 2006.

Section 465.10 General

The purpose of this Part is to describe circumstances in which the charging of unconscionably high prices for petroleum products constitutes an unfair or deceptive act or practice. This Part shall not be construed to limit the ability of the Attorney General or the courts to determine that acts and practices other than those described in this Part are unfair or deceptive acts of price gouging in the absence of market emergencies.

Section 465.20 Definitions

"Market emergency": Any abnormal disruption of any market for petroleum products, including, but not limited to, any actual or threatened shortage in the supply of petroleum products or any actual or threatened increase in the price of petroleum products, resulting from severe weather, convulsion of nature, failure or shortage of electric power or other source of energy, strike, civil disorder, act of war, terrorist attack, national or local emergency, or other extraordinary adverse circumstances.

"Petroleum product": Includes, but shall not be limited to, motor fuels, as defined in Section 1.1 of the Motor Fuel Tax Law [35 ILCS 505/1.1], and fuel oil used for heating or cooking purposes.

"Petroleum-related business": Any producer, supplier, wholesaler, distributor or retail seller of any petroleum product.

Section 465.30 Petroleum Products

- a) It shall be an unfair or deceptive act or practice, during any market emergency, for any petroleum-related business to sell or offer to sell any petroleum product for an amount that represents an unconscionably high price.
- b) A price is unconscionably high if:
 - 1) the amount charged represents a gross disparity between the price of the petroleum product and:
 - A) the price at which the same product was sold or offered for sale by the petroleum-related business in the usual course of business immediately prior to the onset of the market emergency, or
 - B) the price at which the same or similar petroleum product is readily obtainable by other buyers in the trade area; and
 - 2) the disparity is not substantially attributable to increased prices charged by the petroleum-related business suppliers or increased costs due to an abnormal market disruption.
- c) There is a rebuttable presumption that a market emergency lasts for 45 days from the occurrence of the market disruption or other event that constitutes the market emergency.